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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,992	01/30/2004	Ralf Naumann	P7371.2US	1991
30008	7590	07/14/2005	EXAMINER	
GUDRUN E. HUCKETT DRAUDT			RIDDLE, KYLE M	
LONSSTR. 53			ART UNIT	
WUPPERTAL, 42289			PAPER NUMBER	
GERMANY			3748	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,992

Applicant(s)

NAUMANN ET AL.

Examiner

Kyle M. Riddle

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05132005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The arguments presented in applicant's amendment received 11 April 2005 were deemed persuasive, however, a new non-final rejection is set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kohrs (U.S. Patent 6,684,834).

Kohrs discloses a camshaft adjuster comprising:

- a rotor or driven member 10, 10' and a stator or drive member 5, 5' having the drive wheel formed integrally therein and driven by the crankshaft (column 6, lines 53-57; Figures 1 and 3);
- the rotor or driven member 10, 10' configured to be fixedly connected to camshaft 4, 4' using a central fastening screw 13, 13' and rotatable relative to the stator or drive member 5, 5' (column 7, lines 3-15);
- the driven member 5, 5' being centered by the camshaft 4, 4' (column 7, lines 32-42);
- the camshaft 4, 4' having a collar 16 provided with a radial outer circumferential surface 19 contacting the drive member 5 (column 7, lines 45-58; Figures 1 and 3);

Art Unit: 3748

- the driven member 10, 10' having two planar end faces (Figures 1 and 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohrs in view of Watanabe (U.S. Patent 6,311,656).

Kohrs discloses a camshaft adjuster comprising a rotor or driven member and a stator or drive member having the drive wheel formed integrally therein and driven by the crankshaft, the rotor or driven member configured to be fixedly connected to camshaft using a central fastening screw and rotatable relative to the stator or drive member, the driven member being centered by the camshaft, the camshaft having a collar provided with a radial outer circumferential surface contacting the drive member, and the driven member having two planar end faces. Kohrs, however, fails to disclose a rotor having a recess for receiving the camshaft.

Watanabe teaches a valve timing control apparatus with a camshaft adjuster having a rotor 19 with a center recess 19a for fittingly receiving the front end portion 2a of the camshaft 2 (column 4, lines 7-14; Figure 2). It would have been obvious to one having ordinary skill in the art at the time of the invention was made, to have utilized the teaching by Watanabe in the camshaft adjuster of Kohrs, since the use thereof would have provided a means for securing the camshaft to the rotor or driven member.

Allowable Subject Matter

6. Claims 7-11 are allowed.

Conclusion

7. The IDS (PTO-1449) filed on 13 May 2005 has been considered. An initialized copy is attached hereto.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of 2 patents.

- Machida et al. (U.S. Patent 6,505,585) disclose a valve timing apparatus with a collar or flange on the camshaft for attachment and aligning purposes.

- Fukuhara et al. (U.S. Patent Application Publication 2002/0000213) disclose a valve timing adjusting apparatus with a recess for centering the camshaft.

Communication

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle M. Riddle whose telephone number is (571) 272-4864. The examiner can normally be reached on M-F (07:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3748

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kyle M. Riddle

Examiner

Art Unit 3748

kmr



THOMAS DENION

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 3700